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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Junji Yoshida

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/511,903	Applicant(s) YOSHIDA ET AL.	
	Examiner LUU PHAM	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/19/2005 and 10/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the communication filed on 07/24/2008.
2. In response to the restriction requirement, the Applicant has elected species 3, claims 13-15, without traverse for prosecution. Claims 13-15 have been examined and are pending in this application.

Priority

3. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign application must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(e).

Failure to provide a certified translation may result in no benefit being accorded for the non-English application.

Claim Objections

4. Claims 13-15 are objected to because of the following informalities:

The acronym "CA" is used without spelling out in full at its first occurrence in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 13-15 are rejected under 35 U.S.C. 101** as failing to point out which statutory class the claimed subject matter belongs to.

- **Regarding claim 13**, the preamble of the claim recites “*An operation method for operating a communication system;*” However, the body of the claims mainly recite apparatus, units, and other components of the communication system. It is unclear as to which statutory class the claimed subject matter belongs to.

- **Regarding claims 14-15**, claims 14-15 are also rejected under 35 U.S.C. 101 for the same reasons.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph**, as failing to point out which statutory class the claimed subject matter belongs to, and being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- **Regarding claim 13**, the preamble of the claim recites “*An operation method for operating a communication system;*” However, the body of the claim does not recite essential steps to describe how to operate a communication system. In addition, the preamble of the claim recites “*An operation method for operating a communication system;*” However, the body of the claims mainly recite apparatus, units, and other components of the communication system. It is unclear as to which statutory class the claimed subject matter belongs to.

- **Regarding claim 13**, the claim recites “*a communication system comprising an N^{th} authentication apparatus, an $(N+1)^{th}$ authentication apparatus, and an $(N+1)^{th}$ download server;*” (emphasis added). This is vague in reference to what type (integer, real, etc.,) of the number N would be. Also, it is unclear the range of numbers in which N can be found.
- **Regarding claims 14-15**, claims 14-15 are rejected under 35 U.S.C. 112, second paragraph for the same reasons.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 13-15 are rejected under 35 U.S.C. 102(b)** as being anticipated by Kenichi et al., (hereinafter “Kenichi”), J.P. Patent Publication No. JP 2002-215826 published on August 02, 2002.

- **Regarding claim 13**, Kenichi discloses an operation method for operating a communication system comprising an N^{th} authentication apparatus, an $(N+1)^{th}$ authentication apparatus, and an $(N+1)^{th}$ download server which are connected over a communication network (*pars. 0007 and 0019-0020; Fig. 8; certificate authority A 801, certificate authority B 803, and computer 100*),

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wherein the N^{th} authentication apparatus (*Fig. 8, certificate authority A 801*) includes:

an N^{th} server certificate issue unit operable to issue an N^{th} server certificate that ensures validity of an application server (*pars. 0019-0023; certificate 804*); and

an N^{th} CA information issue unit operable to issue N^{th} CA information that includes an N^{th} CA certificate and an $(N+1)^{\text{th}}$ address for update, the N^{th} CA certificate indicating that the N^{th} server certificate is valid, and the $(N+1)^{\text{th}}$ address for update indicating a location of the $(N+1)^{\text{th}}$ download server on the communication network (*pars. 0007, 0011-0012, and 0014-0020; Figs. 4-9*),

the $(N+1)^{\text{th}}$ authentication apparatus (*Fig. 8; certificate authority B 803*) includes:

an $(N+1)^{\text{th}}$ server certificate issue unit operable to issue an $(N+1)^{\text{th}}$ server certificate that ensures the validity of the application server; and

an $(N+1)^{\text{th}}$ CA information issue unit operable to issue $(N+1)^{\text{th}}$ CA information that includes an $(N+1)^{\text{th}}$ CA certificate and an $(N+2)^{\text{th}}$ address for update, the $(N+1)^{\text{th}}$ CA certificate indicating that the $(N+1)^{\text{th}}$ server certificate is valid, and the $(N+2)^{\text{th}}$ address for update indicating a location, on the communication network, of an $(N+2)^{\text{th}}$ download server on which $(N+2)^{\text{th}}$ CA information is placed, said $(N+2)^{\text{th}}$ CA information including an $(N+2)^{\text{th}}$ CA certificate to be a next valid CA certificate in a case where said $(N+1)^{\text{th}}$ CA certificate becomes revoked (*pars. 0007, 0011-0012, and 0014-0020; Figs. 4-9*),

the $(N+1)^{\text{th}}$ download server (*Fig. 8; computer 100*) includes:

a CA information storage unit operable to hold the $(N+1)^{\text{th}}$ CA information that includes the $(N+1)^{\text{th}}$ CA certificate to be a next valid CA certificate in a case where said N^{th}

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CA certificate becomes revoked (*pars. 0007, 0011-0012, and 0014-0020; Fig. 8; certificates 804 and 805 issued by CA 801 and CA 803 respectively are stored in hard disk of the computer 100*); and

an output unit operable to output, to a communication apparatus, the (N+1)th CA information stored in the CA information storage unit, the communication apparatus being connected to said (N+1)th download server via the communication network (*pars. 0007, 0011-0012, and 0014-0020; Fig. 8*), and

in the operation method, the following steps are repeated for N number of times, where N is 1 or a larger integer:

an Nth operation step of operating the Nth authentication apparatus (*pars. 0007, 0011-0012, and 0014-0020; Figs. 4-9*); and

an (N+1)th operation step of operating the (N+1)th authentication apparatus and the (N+1)th download server before a validity period of the Nth CA certificate expires (*pars. 0005, 0007, 0011-0012, and 0014-0020; Figs. 4-9; the certificate automatic-updating device can update a certificate automatically before the certificate expires*).

- **Regarding claim 14**, Kenichi discloses the operation method according to Claim 13, wherein in the (N+1)th operation step, the (N+1)th authentication apparatus and the (N+1)th download server are operated, in a case where the Nth CA certificate becomes revoked (*pars. 0007, 0011-0012, and 0014-0020; Figs. 4-9; the certificate automatic-updating device can update a certificate automatically before the last stage of the term of validity of the certificate*).

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- **Regarding claim 15**, Kenichi discloses the operation method according to Claim 13, further comprising a termination step of terminating the operation of the Nth authentication apparatus and the operation of the (N+1)th download server, when a validity period of the Nth CA certificate expires (*pars. 0007, 0011-0012, and 0014-0020; Figs. 4-9; the certificate automatic-updating device can update a certificate automatically before the certificate expires*).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Publication No. US 2001/0011255 by Asay et al.

U.S. Patent No. US 6,134,550 to Van Oorschot et al.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luu Pham whose telephone number is 571-270-5002. The examiner can normally be reached on Monday through Friday, 7:30 AM - 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luu Pham/
Examiner, Art Unit 2137

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2137